

## S-5 Elements for Reflection

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Working methods of the Security Council are an integral part of Security Council reform and have been given increased attention over the past years. In 2006, the Security Council responded to a draft resolution submitted by the S-5 by adopting Presidential Note S/2006/507, which contained a number of measures aimed at improving its working methods. This note was welcomed by the S-5 and many others as a step in the right direction. However, implementation of S/2006/507 and of further proposals contained in S/2007/784 and their application has been selective and inconsistent. The Presidential Note never became part of the standard operating procedures, in line with the practice of working with Provisional Rules of Procedure. There is a continued strong need to improve the working methods of the Council, as was illustrated by the open debate the Security Council held on this topic in August 2008 (the first debate of this nature since 1994).

The S-5 are therefore submitting, in the context of the informal plenary discussions on size and working methods, another set of measures for consideration by the Security Council. This paper is complementary to previous efforts and does therefore not contain a complete list of measures the S-5 believe would be beneficial to enhance the legitimacy, accountability and transparency of the Council's work. It is meant for reflection by the UN membership and the members of the Council in particular – it could both inspire changes that the Security Council makes in its practice and those parts of a comprehensive text on Security Council resolution that deal with working methods. While the S-5 will work towards the inclusion of strong language on working methods in a comprehensive resolution on Security Council reform, they will at the same time pursue their efforts to advance progress in this area irrespective of progress on enlargement.

The following measures are recommended for consideration:

### **Transparency and Access**

- **Briefings by UN officials** to the Security Council should as far as possible be made accessible to all member states, while consultations thereafter may be held in a private setting.
- **Consultations with non-members** should take place as part of the standard operating procedures (cf. articles 31 and 32 of the Charter). On matters discussed in private meetings, frequent, timely and substantive briefings should be offered to non-members.
- **Draft resolutions and presidential statements** should be made available to non-members of the Council as soon as they are introduced in informal consultations.
- The **tentative forecast** of the programme of work should be shared with the larger membership as soon as it is available and followed by a briefing by the incoming Presidency. Regular updates of the programme of work should be offered on the website of the Council.
- **Best practices of consultations** between the Council and non-members should be incorporated in briefings given to newly elected members of the Council.
- The quality and frequency of **formal and informal reports on the work of subsidiary bodies** should be improved.

- Non-members should be offered opportunities, upon their request, to provide **substantive input to the work of subsidiary bodies.**

### **Efficiency and Implementation**

- If non-members participate in a meeting of the Council, the Presidency should ensure the right to be heard by letting those with a direct interest in the outcome speak prior to members.
- **“Arria-formula” meetings** should be used more frequently in a more flexible manner for informal exchanges with member states, organisations or individuals.
- The Council should report to non-members in a timely manner and in detail on its **missions**, including their budgetary aspects.
- A **lessons-learned group** should be established with the mandate to:
  - Assess whether Security Council decisions have been implemented;
  - Analyze obstacles to implementation and reasons for non-implementation;
  - Suggest mechanisms or measures to enhance implementation.
- Where decisions of the Security Council require implementation by all member states, the Council should ensure that the **ability of member states to implement decisions** is taken into account in the decision-making process.
- **Key provisions of thematic resolutions** should be incorporated into country specific resolutions, where applicable.

### **Rule of Law**

- **Standards of due process and rule of law** should be fully taken into account in the decision-making.
- Where sanctions involve **lists of individuals or entities**, sanctions committees should establish fair and clear procedures for listing and delisting, reflecting standards of due process. These procedures should be shared with non-members.

### **Use of the Veto**

- A permanent member casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter **should explain** the reason for doing so at the time the relevant draft resolution is considered, and a copy of the explanation should be circulated as a Security Council document.
- Permanent members should commit themselves to not casting a non-concurring vote in the sense of article 27, paragraph 3 of the Charter in the event of **genocide, crimes against humanity and serious violations of international humanitarian law.**
- Permanent members of the Security Council, when casting a negative vote, could state that this is **not a non-concurring vote in the sense of article 27, paragraph 3 of the Charter.**

### **Peacekeeping operations**

- Regular and timely consultations should be held at all stages and on all aspects of decision-making with **countries contributing civilian or military personnel** or substantive financial resources, as well as other countries that are directly affected by a peacekeeping operation.

- Regular **strategic joint briefings**, both cross-cutting and on individual PKOs, should involve the DPKO/DFS, political-military experts of the Security Council and the troop-contributing countries.
- **Best practices for authorising new missions** should be developed, including a set of principles based on the Brahimi report, as well as drafting guidelines for resolutions.
- **A thorough lessons-learned study** on a peacekeeping operation after its termination (e.g. UNMEE) should be commissioned.
- **Mandates should have clear strategic political objectives** and key benchmarks which the Secretary General can report against and which the Council can base its evaluations on.
- Regular and timely dialogue with the Secretariat and TCCs on **the evaluation of operations** should be held to improve implementation thereof.
- **Smooth transition from peacekeeping to peacebuilding** should be facilitated through early and continued cooperation with the Peace Building Commission.

#### **Accountability - Relationship with the General Assembly**

- The President of the Security Council should hold **regular consultations with the President of the General Assembly**, and the latter should ensure the timely provision of notice and updates of such meetings to the membership.
- The annual report of the Security Council should provide an **evaluation of the work of the Council pursuant to articles 15, paragraph 1 and article 24, paragraph 3** of the Charter.
- **Informal ways to engage with non-members in an interactive discussion on the annual report**, in addition to the debate held by the General Assembly, should be established.
- **Special subject-oriented reports** should be submitted to the General Assembly, in accordance with article 24, paragraph 3 of the Charter of the United Nations, including following consultations between the Presidents of the two organs.

#### **Relationship with regional arrangements and agencies**

- The Security Council, in accordance with the provisions of Chapter VIII of the Charter, should enhance its **cooperation and consultations** on matters affecting the maintenance of international peace and security **with the relevant regional arrangements and agencies**, as appropriate.

